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Letter dated 31 December 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, containing an account of the Committee's activities from 1 January to 31 December 2009 (see annex). The report, which was adopted by the Committee, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

In this connection, I would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Claude **Heller**
Chairman
Security Council Committee established pursuant to
resolution 1572 (2004) concerning Côte d'Ivoire

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Annex

[Original: English]

Report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire covers the period from 1 January to 31 December 2009.

2. For 2009, the Bureau consisted of Mr. Claude Heller (Mexico) as Chairman, and representatives of the delegations of Austria and Uganda as Vice-Chairmen (S/2009/2).

II. Background

3. The Security Council, by its resolution 1572 (2004), imposed an arms embargo, with immediate effect, as well as travel restrictions and an assets freeze on designated individuals and entities, to take effect on 15 December 2004.

4. By paragraph 14 of its resolution 1572 (2004), the Security Council established a Sanctions Committee: (a) to designate and make public a list of individuals and entities subject to the targeted measures; (b) to seek information from States and entities on their implementation of the measures; (c) to consider and decide upon requests for exemptions to the arms embargo and other targeted measures; (d) to promulgate guidelines for the conduct of the Committee's work; and (e) to report to the Council regularly on its work, with recommendations and observations on ways to strengthen the effectiveness of the measures.

5. By its resolution 1584 (2005), the Security Council authorized the United Nations Operation in Côte d'Ivoire (UNOCI) and the supporting French forces to monitor the arms embargo imposed by resolution 1572 (2004), which required all States to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire of arms or any related materiel as well as the provision of any assistance, advice or training related to military activities.

6. By its resolution 1584 (2005), the Security Council also requested the Secretary-General, in consultation with the Committee, to create a group of experts to, inter alia, examine and analyse the information gathered by UNOCI and the French forces in the context of their respective monitoring mandates; gather and analyse all relevant information in Côte d'Ivoire, countries of the region and, as necessary, in other countries, on violations of the arms embargo; and consider and recommend ways of improving the capabilities of States, in particular those in the region, to ensure the effective implementation of the measures imposed. On 23 September 2005, the Group of Experts submitted its report (S/2005/699) to the Committee, and on 18 October 2005, by its resolution 1632 (2005), the Council extended the Group's mandate until 15 December 2005, pursuant to which, on 29 November 2005, the Group submitted its update report (S/2006/204) to the Committee.

7. By its resolution 1643 (2005), the Security Council renewed the arms embargo, as well as the travel ban and the assets freeze imposed, respectively, by paragraphs 9 and 11 of its resolution 1572 (2004). By paragraph 6 of its resolution 1643 (2005), the Council imposed an embargo on the import of all rough diamonds from Côte d'Ivoire. By paragraph 9 of the same resolution, the Council requested the Secretary-General to establish an expanded Group of Experts for six months with the additional task of monitoring the embargo on diamonds. The Group of Experts submitted its report to the Committee on 16 August 2006 (S/2006/735).

8. By paragraph 4 of resolution 1643 (2005), the Council decided that any obstacle to the freedom of movement of UNOCI and the French forces, or any attack on or obstruction to the action of UNOCI, the French forces, the High Representative for the elections or of the International Working Group constituted a threat to the peace and national reconciliation process for the purposes of the measures imposed by paragraphs 9 and 11 of resolution 1572 (2004).

9. On 14 September 2006, by its resolution 1708 (2006), the Security Council extended the mandate of the Group of Experts until 15 December 2006 and requested the Group to submit a brief written update to the Council through the Committee prior to 1 December 2006 on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraphs 4 and 6 of resolution 1643 (2005), with recommendations in that regard. The Group of Experts submitted its update report to the Committee on 27 November 2006 (S/2006/964).

10. On 15 December 2006, by its resolution 1727 (2006), the Security Council renewed the arms embargo, travel and financial sanctions as well as the embargo on the import of all rough diamonds originating in Côte d'Ivoire until 31 October 2007. By paragraph 7 of the same resolution, the Council decided to extend the mandate of the Group of Experts for a further six months. The Group was requested to report to the Council in writing, before 15 June 2007, through the Committee, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). The Group submitted its report to the Committee on 11 June 2007 (S/2007/349).

11. On 20 June 2007, by its resolution 1761 (2007), the Security Council decided to extend the mandate of the Group of Experts, as set out in its resolution 1727 (2006), until 31 October 2007. By paragraph 2 of the same resolution, the Council requested the Group to submit a written update to the Council, through the Committee, before 15 October 2007, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004), and paragraphs 4 and 6 of resolution 1643 (2005). The Group submitted its report to the Committee on 21 September 2007 (S/2007/611).

12. On 29 October 2007, by its resolution 1782 (2007), the Security Council renewed the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005) until 31 October 2008. By paragraph 8 of the same resolution, the Council decided to extend the mandate of the Group of Experts, as set out in paragraph 7 of its resolution 1727 (2006), until 31 October 2008. The Council requested the Group to provide a midterm report to the Committee by 15 April 2008 and to submit a final written report to the Council, through the Committee, 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and

paragraph 6 of resolution 1643 (2005), as well as recommendations in this regard. The Group submitted its midterm report to the Committee on 20 March 2008 (S/2008/235) and its final report on 15 September 2008 (S/2008/598).

13. On 29 October 2008, by its resolution 1842 (2008), the Security Council renewed the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005) until 31 October 2009. By paragraph 10 of the same resolution, the Council decided to extend the mandate of the Group of Experts, as set out in paragraph 7 of its resolution 1727 (2006), until 31 October 2009. The Council requested the Group to provide a midterm report to the Committee by 15 April 2009 and to submit a final written report to the Security Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in that regard. The Group submitted its midterm report to the Committee on 20 March 2009 (S/2009/188) and its final report on 15 September 2009 (S/2009/521).

14. On 29 October 2009, by its resolution 1893 (2009), the Security Council renewed the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005) until 31 October 2010. By paragraph 10 of the same resolution, the Council decided to extend the mandate of the Group of Experts, as set out in paragraph 7 of resolution 1727 (2006), until 31 October 2010. The Council requested the Group to provide a midterm report to the Committee by 15 April 2010 and to submit a final written report to the Security Council, through the Committee, 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in that regard.

III. Summary of the activities of the Committee

15. In the course of 2009, the Committee held seven informal consultations (15 January, 27 March, 8 April, 14 May, 15 July, 7 October and 18 December).

16. On 20 March 2009, the Group of Experts submitted its midterm report (S/2009/188) to the members of the Committee. Subsequently, the Group presented the midterm report to Committee members during the Committee's informal consultations on 8 April 2009. At the same meeting, the Committee members also discussed the observations and recommendations contained in the report. During the consultations of the Security Council on 28 April 2009, the Chairman briefed the members of the Council on the main findings contained in the report as well as the Committee's discussions of the Group's report and its recommendations. On 4 and 5 May 2009, the Committee, in following up on the recommendations contained in the report, dispatched letters drawing attention to relevant paragraphs contained in the Group's midterm report to the Permanent Representatives of Côte d'Ivoire, Ghana, Guinea, India, Israel, Italy, Liberia, the Libyan Arab Jamahiriya, Mali and South Africa to the United Nations, as well as to representatives of the Kimberly Process, the Kimberly Process Working Group of Diamonds Experts, the International Monetary Fund (IMF), the Organization for Security and Cooperation in Europe (OECD), the Wassenaar Arrangement, the World Bank and the World

Customs Organization. Letters were also sent to the Under-Secretary-General for Peacekeeping Operations and the representatives of the following private companies: Archer Daniels Midland, Canadian Natural Resources, Devon Energy Corporation and Groupe CEMOI. Furthermore, on 1 May 2009, the Committee transmitted a note verbale to all Member States drawing their attention to relevant paragraphs contained in the Group's midterm report. Subsequently, the Committee received replies to its letters from the Head of secretariat of the Wassenaar Arrangement, on 13 May 2009, the Executive Vice-President of Devon Energy Corporation, on 28 May 2009, and the Under-Secretary-General for Peacekeeping Operations on 7 July 2009.

17. On 27 April 2009, the Committee received a letter dated 24 April 2009 from the Permanent Representative of Côte d'Ivoire to the United Nations, transmitting a request for the de-listing of one of the listed individuals, in accordance with paragraph 6 (a) of resolution 1730 (2006). In his letter dated 29 May 2009 addressed to the Permanent Representative of Côte d'Ivoire, the Chairman of the Committee indicated that there was no consensus to remove the individual from the list.

18. On 22 July 2009, the Committee received a note verbale dated 14 July 2009 from the Permanent Mission of Côte d'Ivoire to the United Nations transmitting two requests for exemptions to the arms embargo (from the Minister of Defence and the Minister of the Interior of Côte d'Ivoire), in accordance with paragraphs 8 (b) and (e) of Security Council resolution 1572 (2004). In a letter dated 30 July 2009, the Chairman of the Committee informed the Permanent Representative of Côte d'Ivoire that, in accordance with paragraph 21 of the Guidelines of the Committee for the conduct of its work,[1] "requests for advance approval by the Committee, and notifications to the Committee, shall be submitted in writing to the Chairman by the Permanent or Observer Mission of the State or the international organization or agency supplying the equipment".

19. On 15 September 2009, the Group of Experts submitted its final report (S/2009/521) to the members of the Committee. Subsequently, the Group presented the final report during the Committee's informal consultations on 7 October 2009. At the same meeting, Committee members also discussed the observations and recommendations contained in the report. During the Security Council's consultations on 27 October 2009, the Chairman briefed the members of the Council on the main findings contained in the report and on the Committee's discussions of the Group's report and its recommendations. On 19 November 2009, the Committee, in following up on the recommendations contained in the report, dispatched letters to the Permanent Representatives of Burkina Faso, Côte d'Ivoire, Ghana, Guinea, Israel, Lebanon, Liberia and Mali to the United Nations; as well as to the Chairperson of the Kimberley Process, the Under-Secretary-General for Peacekeeping Operations, representatives of the Agency for the Safety of Aerial Navigation in Africa and Madagascar (ASECNA), the Abidjan Airport Management Company, the Economic Community of West African States (ECOWAS) and the International Cocoa Organization (ICCO), drawing their attention to relevant paragraphs in the Group's final report. Furthermore, on 12 November 2009, the Committee sent a note verbale to all Member States drawing their attention to relevant paragraphs in the Group's final report and transmitting the list of sanctioned individuals.

[1] http://www.un.org/sc/committees/1572/pdf/guidelines_ci_eng.pdf.

20. During the reporting period, the Committee considered 10 monthly arms embargo and media monitoring reports, which are prepared by UNOCI in accordance with paragraphs 2 and 9 of resolution 1584 (2005) and paragraph 6 of resolution 1572 (2004). The Committee also considered five quarterly UNOCI human rights reports (three reports from 2009 and two from 2008).

IV. Violations and alleged violations of the sanctions regime

21. In its midterm report of 8 April 2009 (S/2009/188), the Group of Experts on Côte d'Ivoire observed, inter alia, that several years of north-south polarization had introduced new political and economic tensions into the crisis. The north of the country was fractured into a series of politico-military commands, which competed (sometimes violently) for control over natural resources and commerce. Elements both within the Ivorian Government and the Forces nouvelles operated powerful economic networks and, despite the arms embargo, the parties to the conflict remained sufficiently heavily armed to engage in sustained armed hostilities, and some were also rearming.

22. In its final report (S/2009/521), the Group of Experts on Côte d'Ivoire noted that the Government of Côte d'Ivoire might face potentially violent political opposition in the south of the country, which could have prompted efforts to import arms and related materiel in the near future. Northern Côte d'Ivoire currently bore more resemblance to a warlord economy than to a functioning government administration. Largely independent military "zone commanders" of the former rebel forces, the Forces nouvelles controlled and exploited natural resources, providing both motive and means to sustain territorial control in northern Côte d'Ivoire.

23. The Group identified seven separate cases in which the Government of Côte d'Ivoire and the Forces nouvelles had acquired arms and related materiel in breach of the sanctions regime. The Committee was particularly concerned by the systematic transfer of weapons and ammunition to the Forces nouvelles-controlled north of the country, which may be linked to cocoa smuggling. Military aircraft belonging to the Government of Côte d'Ivoire remained largely inoperable, but the Group remained vigilant to the potential for foreign-assisted rehabilitation or acquisition of air assets.

24. Concerning the sector of finance and natural resources, the Group highlighted the fact that the Government of Côte d'Ivoire controlled the world's largest share of cocoa production. Its management of cocoa revenues remained opaque, and the Group noted suspicious cases linking the Government's cocoa revenues to the purchase of military materiel. Ten Forces nouvelles zone commanders controlled the world's seventh largest cocoa producing region and benefited from large-scale cocoa smuggling. They also levied taxes on a range of other natural resources and road commerce.

25. The Group also observed intensified diamond mining in northern Côte d'Ivoire, and pointed out that the development of new mining technologies created a market-driven imperative to export Ivorian rough diamonds in contravention of the sanctions regime. The absence of effective border controls in Burkina Faso and Mali allowed the rough diamond trade in Côte d'Ivoire to extend, almost seamlessly, into these countries. An unexplained rise in Guinea's exports of rough diamonds, and its

weak system of internal controls, suggested that there is a high risk that Ivorian diamonds may be illegally exported through Guinea. The Group expressed similar concerns with regard to Liberia.

26. In the area of customs, the Group noted that the Government of Côte d'Ivoire had not yet introduced the necessary regulatory measures to prevent the import or export of items prohibited by the sanctions regime. The Forces nouvelles had not established a functioning customs regime in the territories under its control.

27. In connection with the individual sanctions, the Group determined that two of the three individuals subject to the assets freeze and the travel bans had continued to access and accrue revenues despite the sanctions imposed on them.

V. Observations and conclusions

28. The primary responsibility for the implementation of the measures imposed by the Security Council rests with Member States. For its part, in facilitating and monitoring the implementation of the relevant measures, the Committee has greatly benefited from the information provided by the Group of Experts, UNOCI and other sources, which has proven to be a useful tool to the Committee in deciding upon appropriate actions. The Committee remains committed to discharging its mandate as effectively and as efficiently as possible.